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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA

Order

The 17th July, 2018

No. SEC/3ME/2018/4319.— The General Election of Municipal Corporation Hisar was held on 02.06.2013 and the result of the elected candidates was declared on 04.06.2013.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

(a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/4ME/2013/2320, dated 02.05.2013 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, Sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs.1,75,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Hisar and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9 (1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, Haryana *vide* order No. SEC/1ME/2017/2017, dated 01.12.2017 and further modified *vide* No. SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses.

6. As reported by the Deputy Commissioner, Hisar, Sh. Daya Nand S/o Sh. Ram Kishan had contested the election from Ward No.6 of Municipal Corporation Hisar during the general election held on 02.06.2013 but failed to submit his election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon him to explain as to why he should not be disqualified on account of non submission of election expenditure account within the period. He neither submitted his election expenditure statement nor responded to the show cause notice. I, had given him personal hearing on 27.06.2018 in the PWD Rest House, Hisar. Sh. Kailash, Superintendent, Municipal Corporation, Hisar, represented the Deputy Commissioner Hisar. The above said candidate appeared for personal hearing and submitted the following :-

“He had contested the election from Ward No.6 and the election expenditure register has not deposited due to illness but till today he has not deposited his expenditure register.”

7. After personal hearing, the order was announced.

8. On perusal of record of the case and after hearing of the candidate, I am satisfied that the above said candidate has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate has submitted no good reason or justification for his failure to submit election expenditure account. Therefore, he deserves to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, under Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10A of the Representation of People Act, 1951 hereby order that **Sh. Daya Nand S/o Sh. Ram Kishan** is disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Hisar immediately.

Panchkula:
The 16th July, 2018.

PARMAL SINGH,
Assistant State Election Commissioner, Haryana.